

Case 8:07-bk-12347-TA Doc 761 Filed 04/07/11 Entered 04/07/11 15:11:52 Desc

UNITED STATES BANKRUPTCY COURT**Central District of California - Santa Ana****411 West Fourth St., Ste. #2074, Santa Ana, California 92701-4593****TO THE CLERK:**☐ **BANKRUPTCY APPELLATE PANEL OF THE NINTH CIRCUIT**☐ **U.S. DISTRICT COURT - LOS ANGELES, CA.**☒ **U.S. DISTRICT COURT - SANTA ANA, CA****Subject: APPEAL TRANSMITTAL FORM**

Case Name: COBALIS CORPORATION	SACV 11-00556 JST FILED-SOUTHERN DIVISION CLERK U.S. DISTRICT COURT APR 11 2011 CENTRAL DISTRICT OF CALIFORNIA DEPUTY
Bankruptcy No.: 8:07-bk-12347-TA	
Adversary No.: N/A	
Bankruptcy Judge: THEODOR C. ALBERT	
Date "Notice of Appeal" FILED: 4-4-11	
Entry Date of Appealed ORDER: 1-24-11	
Date BANKRUPTCY Filed: 8-1-7	
Date "Notice of Appeal" MAILED to Parties in Interest: 4-7-11	

Transmitted herewith are the following documents:

- ☐ **Motion for Leave to Appeal;**
☐ **Opposition to Motion for Leave to Appeal;**
☐ **Motion(s) filed under BR 8002(b);**
☒ **Notice of Appeal with Notice of Statement of Election for Appeal to be heard by a District Judge;**
☐ **Motion for Leave to Appeal;**
☒ **Notice of Referral;**
☒ **Copy of Court docket** ☒ **Case** ☐ **Adv** ☒ **Full** ☐ **Partial**

Date of TRANSMITTAL TO DC: 4-7-11**U.S. Bankruptcy Court Deputy Clerk:** Nickie Bolte

***** Please acknowledge receipt of the Notice of Appeal, etc. *****

Dated: _____ **By:** _____ **Deputy Clerk****Assigned DC No.:** _____

CONVERTED, DEFER, APPEAL

**U.S. Bankruptcy Court
Central District Of California (Santa Ana)
Bankruptcy Petition #: 8:07-bk-12347-TA**

Date filed: 08/01/2007

Date converted: 11/19/2007

Assigned to: Theodor Albert
Chapter 11
Previous chapter 7
Involuntary
Asset

Debtor

Cobalis Corporation

Attn: Chaslav Radovich, President
733 Pelican Dr
Laguna Beach, CA 92651
949-715-4744
Tax ID / EIN: 91-1868007

represented by **Charles Liu**

Winthrop Couchot
660 Newport Center Dr, 4th Flr
Newport Beach, CA 92660
949-720-4175
Fax : 949-720-4111
Email:
cliu@winthropcouchot.com
TERMINATED: 11/25/2008

Garrick A Hollander

Winthrop Couchot
660 Newport Center Dr Ste 400
Newport Beach, CA 92660
949-720-4150
Fax : 949-720-4111
Email:
ghollander@winthropcouchot.com

TERMINATED: 11/25/2008

Marc J Winthrop

660 Newport Center Dr Ste 400
Newport Beach, CA 92660
949-720-4100
Email:
mwinthrop@winthropcouchot.com

TERMINATED: 11/25/2008

Paul J Couchot

Winthrop Couchot PC
660 Newport Ctr Dri Ste 400
Newport Beach, CA 92660
949-720-4100
Fax : 949-720-4111
Email:

pcouchot@winthropcouchot.com
TERMINATED: 11/25/2008

Robert P Goe
Goe & Forsythe, LLP
18101 Von Karman, Ste 510
Irvine, CA 92612
949-798-2460
Fax : 949-955-9437
Email: kmurphy@goeforlaw.com

T Edward Malpass
4931 Birch St
Newport Beach, CA 92660
949-474-994
Fax : 949-474-9947
Email: temalpass@aol.com
TERMINATED: 09/02/2010

Petitioning Creditor
YA Global Investments LP
101 Hudson St Ste 3700
Jersey City, NJ 07303

represented by **Keith C Owens**
555 S Flower St
Ste 3500
Los Angeles, CA 90071-4500
213-972-4500
Fax : 213-486-0065
Email: kowens@foley.com

Luckey McDowell
Baker Botts LLP
2001 Ross Ave
Dallas, TX 75201
214-953-6571
Fax : 214-661-4571
Email:
luckey.mcdowell@bakerbotts.com

Victor A Vilaplana
402 W Broadway Ste 2100
San Diego, CA 92101
619-234-6655
Fax : 619-234-3510
Email: vavilaplana@foley.com

Trustee
Charles W Daff (TR)
2009 N. Broadway
Santa Ana, CA 92706
714-541-0301
TERMINATED: 08/03/2007


U.S. Trustee
United States Trustee (SA)


represented by **Michael J Hauser**
411 W Fourth St #9041


411 W Fourth St., Suite 9041
Santa Ana, CA 92701-4593

Santa Ana, CA 92701
714-338-3417
Fax : 714-338-3421
Email: michael.hauser@usdoj.gov

Filing Date	#	Docket Text
09/07/2010	● <u>741</u>	Order Granting Motion To Appear pro hac vice of Michelle V. Larson (Related Doc # <u>614</u>) - Signed on 9/7/2010. (I, deputy clerk who is making this entry, certify that service on all parties under Section II was completed, Ngo, Kim) (Entered: 03/14/2011)
01/24/2011	● <u>724</u>	Order Denying Debtor's Motion for Order Disallowing the Attorneys Fees and Costs Portion of Claim Number 6 (as Amended) of YA Global and Recalculating Escrow Deposit under the Plan (Related Doc # <u>694</u>) - Signed on 1/24/2011. (I, deputy clerk who is making this entry, certify that service on all parties under Section II was completed, Ngo, Kim) (Entered: 01/24/2011)
01/24/2011	● <u>725</u>	Stipulation By Jim Luce and Cobalis Corporation to Continue the Hearing on Debtor's Motion for Order Disallowing Claim Number 17 of James Luce with Proof of Service Filed by Creditor Jim Luce (Attachments: # <u>1</u> Proposed Order) (Bastian, James) (Entered: 01/24/2011)
01/25/2011	● <u>727</u>	Notice of Hearing/ Rescheduled Hearing; Filed by Creditor Montenegrex (RE: related document(s) <u>716</u> Motion for Reconsideration of Ruling on Indemnification and for Other and Further Relief; Filed by Creditor Montenegrex). The Hearing date is set for 2/23/2011 at 10:00 AM at Crtrm 5B, 411 W Fourth St., Santa Ana, CA 92701. The case judge is Theodor Albert (Ngo, Kim) (Entered: 02/01/2011)
01/27/2011	● <u>726</u>	Proof of service of Filed and Entered Order Denying Debtor's Motion for Order Disallowing the Attorneys Fees and Costs Portion of Claim Number 6 (As Amended) of YA Global and Recalculating Escrow Deposit Under the Plan Filed by Petitioning Creditor YA Global Investments LP (RE: related document(s) <u>724</u> Order on Motion To Disallow Claims). (Owens, Keith) (Entered: 01/27/2011)
02/01/2011	● <u>728</u>	Proof of service; Filed by Creditor Montenegrex (RE: related document (s) <u>716</u> Motion to Reconsider). (Ngo, Kim) (Entered: 02/01/2011)
		Transcript regarding Hearing Held 01/18/11 RE: EMERGENCY MOTION OF YA GLOBAL INVESTMENTS L.P. FOR PROTECTIVE ORDER. Remote electronic access to the transcript is restricted until 05/3/2011. The transcript may be viewed at the Bankruptcy Court Clerk's Office. [For transcriber contact information, call the applicable divisional office where the case was filed.]. Notice of Intent to Request Redaction Deadline Due By 2/9/2011. Redaction Request Due By 02/23/2011.

02/02/2011	 ● <u>729</u>	Redacted Transcript Submission Due By 03/7/2011. Transcript access will be restricted through 05/3/2011. (Martens, Holly) (Entered: 02/02/2011)
02/02/2011	● <u>730</u>	Notice <i>Notification of Disposition of Collateral</i> Filed by Petitioning Creditor YA Global Investments LP. (McDowell, Luckey) (Entered: 02/02/2011)
02/04/2011	● <u>731</u>	Motion <i>Second Motion to Extend Reorganized Debtor's Deadline To Object To Claims Pursuant To Confirmed Plan of Reorganization and Declaration of Robert P. Goe In Support Thereof with Proof of Service</i> Filed by Debtor Cobalis Corporation (Goe, Robert) (Entered: 02/04/2011)
02/04/2011	● <u>732</u>	Notice of motion/application <i>Notice of Second Motion and Second Motion to Extend Reorganized Debtor's Deadline to Object to Claims Pursuant to Confirmed Plan of Reorganization and Declaration of Robert P. Goe in Suppor Thereof with Proof of Service</i> Filed by Debtor Cobalis Corporation. (Goe, Robert) (Entered: 02/04/2011)
02/04/2011	● <u>733</u>	Order Approving Stipulation and Continuing the Hearing on Debtor's Motion for Order Disallowing Claim Number 17 of James Luce to April 27, 2011 at 10:00 A.M., in Courtroom 5B and Setting Discovery and Filing Deadlines. (Related Doc # <u>704</u>) Signed on 2/4/2011 (Steinberg, Elizabeth) (Entered: 02/04/2011)
02/06/2011	● <u>734</u>	BNC Certificate of Notice - PDF Document. (RE: related document(s) <u>733</u> ORDER to continue/reschedule hearing) No. of Notices: 10. Service Date 02/06/2011. (Admin.) (Entered: 02/06/2011)
02/14/2011	● <u>735</u>	Declaration Of Service Filed by Creditor Montenegrex . (Lyons, Maeve) (Entered: 02/15/2011)
02/22/2011	● <u>736</u>	Reply to opposition of YAGI (related document(s): <u>716</u> Motion to Reconsider filed by Creditor Montenegrex); Filed by Creditor Rey Olsen (Daniels, Sally) (Entered: 02/28/2011)
02/22/2011	● <u>737</u>	Certificate/Declaration of Service of Reply to opposition of YAGI to motion of Montenegrex; Filed by Creditor Rey Olsen (RE: related document(s) <u>716</u> Motion to Reconsider). (Daniels, Sally) (Entered: 02/28/2011)
03/01/2011	● <u>738</u>	Objection (related document(s): <u>731</u> Motion <i>Second Motion to Extend Reorganized Debtor's Deadline To Object To Claims Pursuant To Confirmed Plan of Reorganization and Declaration of Robert P. Goe In Support Thereof with Proof of Service</i> filed by Debtor Cobalis Corporation) Filed by Petitioning Creditor YA Global Investments LP (Owens, Keith) (Entered: 03/01/2011)

03/02/2011	● <u>739</u>	Notice <i>Notification of Disposition of Collateral</i> Filed by Petitioning Creditor YA Global Investments LP. (McDowell, Luckey) (Entered: 03/02/2011)
03/04/2011	 ● <u>740</u>	Transcript regarding Hearing Held 02/15/11 RE: MOTION FOR SUMMARY JUDGMENT. Remote electronic access to the transcript is restricted until 06/2/2011. The transcript may be viewed at the Bankruptcy Court Clerk's Office. [For transcriber contact information, call the applicable divisional office where the case was filed.]. Notice of Intent to Request Redaction Deadline Due By 3/11/2011. Redaction Request Due By 03/25/2011. Redacted Transcript Submission Due By 04/4/2011. Transcript access will be restricted through 06/2/2011. (Martens, Holly) (Entered: 03/04/2011)
03/14/2011	● <u>742</u>	Objection (related document(s): <u>694</u> Motion to Disallow Claims Debtors Motion For Order Disallowing The Attorneys Fees And Costs Portion Of Claim Number 6 (As Amended) Of YA Global And Recalculating Escrow Deposit Under The Plan; Memorandum Of Points And Authorities In Support Thereof; filed by Debtor Cobalis Corporation) Debtors Objection to Ya Global Investments [Proposed] Order Denying Montenegrexs Motion for Reconsideration of Ruling on Indemnification and for Other and Further Relief; Request for Judicial Notice In Support Thereof with Proof of Service Filed by Debtor Cobalis Corporation (Attachments: # <u>1</u> Exhibit 1 of 4# <u>2</u> Exhibit 2 of 4# <u>3</u> Exhibit Exhibit 3 of 4# <u>4</u> Exhibit Exhibit 4 of 4) (Goe, Robert) (Entered: 03/14/2011)
03/14/2011	● <u>743</u>	Objection (related document(s): <u>694</u> Motion to Disallow Claims Debtors Motion For Order Disallowing The Attorneys Fees And Costs Portion Of Claim Number 6 (As Amended) Of YA Global And Recalculating Escrow Deposit Under The Plan; Memorandum Of Points And Authorities In Support Thereof; filed by Debtor Cobalis Corporation) Debtors Objection To YA Global Investments Supplemental Findings Of Fact And Conclusions Of Law On Debtors Motion For Order Disallowing The Attorneys Fees Portion Of Claim Number 6 (As Amended) Of Ya Global And Recalculating Escrow Deposit Under The Plan [Dkt. 694]; Memorandum Of Points And Authorities And Request For Judicial Notice In Support Thereof with Proof of Service Filed by Debtor Cobalis Corporation (Attachments: # <u>1</u> Exhibit 1 of 3# <u>2</u> Exhibit 2 of 3# <u>3</u> Exhibit 3 of 3) (Goe, Robert) (Entered: 03/14/2011)
03/15/2011	● <u>744</u>	Order on Privilege Log Provided by Cobalis and Levey Filler with Documents Submitted for in CAMERA Review (Related Doc # <u>655</u>) - Signed on 3/15/2011 (Ngo, Kim) (Entered: 03/15/2011)
03/17/2011	● <u>745</u>	BNC Certificate of Notice - PDF Document. (RE: related document(s) <u>744</u> Order (Generic)) No. of Notices: 10. Service Date 03/17/2011. (Admin.) (Entered: 03/17/2011)
		Order Denying Montenegrex's Motion To Reconsider of Ruling on Indemnification and for Other and Further Relief (Related Doc # <u>716</u>) -

03/21/2011	● <u>746</u>	Signed on 3/21/2011. (I, deputy clerk who is making this entry, certify that service on all parties under Section II was completed, Ngo, Kim) (Entered: 03/21/2011)
03/23/2011	 ● <u>747</u>	Transcript regarding Hearing Held 02/23/11 RE: MOTION FOR RECONSIDERATION OF RULING ON INDEMNIFICATION AND FOR OTHER AND FURTHER RELIEF. Remote electronic access to the transcript is restricted until 06/21/2011. The transcript may be viewed at the Bankruptcy Court Clerk's Office. [For transcriber contact information, call the applicable divisional office where the case was filed.]. Notice of Intent to Request Redaction Deadline Due By 3/30/2011. Redaction Request Due By 04/13/2011. Redacted Transcript Submission Due By 04/25/2011. Transcript access will be restricted through 06/21/2011. (Martens, Holly) (Entered: 03/23/2011)
03/25/2011	● <u>748</u>	<i>Supplemental Request for Allowance and Payment of Additional Fees (Second)</i> Filed by Attorney T. Edward Malpass. (Malpass, T) (Entered: 03/25/2011)
03/29/2011	● <u>749</u>	Opposition to (related document(s): <u>748</u> Supplemental filed by Attorney T. Edward Malpass) <i>Debtors Opposition to Edward Malpass's Second Supplement to Request for Allowance and Payment of Additional Fees; Request for Judicial Notice in Support Thereof with Proof of Service</i> Filed by Debtor Cobalis Corporation (Goe, Robert) (Entered: 03/29/2011)
03/29/2011	● <u>750</u>	Reply to (related document(s): <u>748</u> Supplemental filed by Attorney T. Edward Malpass, <u>749</u> Opposition filed by Debtor Cobalis Corporation) <i>Reply to Opposition to Second Supplement fe Fees</i> Filed by Attorney T. Edward Malpass (Malpass, T) (Entered: 03/29/2011)
03/30/2011	● <u>751</u>	Notice of Change of Address of <i>Shulman Hodges & Bastian LLP (with proof of service)</i> Filed by Creditor Jim Luce. (Bastian, James) (Entered: 03/30/2011)
03/30/2011	● <u>752</u>	Response to (related document(s): <u>694</u> Motion to Disallow Claims <i>Debtors Motion For Order Disallowing The Attorneys Fees And Costs Portion Of Claim Number 6 (As Amended) Of YA Global And Recalculating Escrow Deposit Under The Plan; Memorandum Of Points And Authorities In Support Thereof;</i> filed by Debtor Cobalis Corporation) <i>Response to Debtor's Objection to YA Global Investments' Supplemental Findings of Fact and Conclusions of Law Filed by Petitioning Creditor YA Global Investments LP (Owens, Keith)</i> (Entered: 03/30/2011)
		Declaration re: <i>Declaration of C. Luckey McDowell in Support of Response to Debtor's Objection to YA Global Investments' Supplemental Findings of Fact and Conclusions of Law</i> Filed by Petitioning Creditor YA Global Investments LP (RE: related document(s) <u>694</u> Motion to Disallow Claims <i>Debtors Motion For Order Disallowing The Attorneys</i>

03/30/2011	● <u>753</u>	<i>Fees And Costs Portion Of Claim Number 6 (As Amended) Of YA Global And Recalculating Escrow Deposit Under The Plan; Memorandum Of Points And Authorities In Support Thereof; <u>752</u> Response). (Attachments: # <u>1</u> Exhibit A) (Owens, Keith) (Entered: 03/30/2011)</i>
03/30/2011	● <u>754</u>	Proof of service Filed by Petitioning Creditor YA Global Investments LP (RE: related document(s) <u>752</u> Response, <u>753</u> Declaration). (Owens, Keith) (Entered: 03/30/2011)
04/04/2011	● <u>755</u>	Notice Notification of Disposition of Collateral Filed by Petitioning Creditor YA Global Investments LP. (McDowell, Luckey) (Entered: 04/04/2011)
04/04/2011	● <u>757</u>	Notice of Appeal To United States District with Notice of Election For Appeal To be heard by a District Court Judge Attached .Receipt Number 80037827, Fee Amount \$255 Filed by Creditor Montenegrex (RE: related document(s) <u>724</u> Order on Motion To Disallow Claims). Appellant Designation due by 4/18/2011. (Bolte, Nickie) (Entered: 04/06/2011)
04/04/2011	● <u>758</u>	Deficiency letter to Appellant: Appeal does not include filing fee of \$255.00; and does not include entered stamped copy of Order, Judgement, or Decree (RE: related document(s) <u>757</u> Notice of Appeal filed by Creditor Montenegrex) (Bolte, Nickie) (Entered: 04/06/2011)
04/05/2011	● <u>756</u>	Order Re: Supplemental Findings of Fact and Conclusions of Law on Debtor's Motion for Order Disallowing the Attorneys Fees Portion of Claim Number 6 (as amended) of YA Global and Recalculating Escrow Deposit under the Plan - Signed on 4/5/2011 (RE: related document(s) <u>694</u> Motion to Disallow Claims filed by Debtor Cobalis Corporation). (I, deputy clerk who is making this entry, certify that service on all parties under Section II was completed, Ngo, Kim) (Entered: 04/05/2011)
04/07/2011	● <u>759</u>	Request for Removal from Courtesy Notice of Electronic Filing (NEF) Filed by Phillip Ashman on behalf of Brad Chisick Trust. (Ashman, Phillip) (Entered: 04/07/2011)
04/07/2011	● <u>760</u>	Notice Of Referral Of Appeal To United States District Court with certificate of mailing (RE: related document(s) <u>757</u> Notice of Appeal filed by Creditor Montenegrex) (Bolte, Nickie) (Entered: 04/07/2011)